

**DISTRICT OF COLUMBIA
DOH OFFICE OF ADJUDICATION AND HEARINGS**

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Petitioner,

v.

ARAMARK EDUCATIONAL RESOURCES,
INC., d/b/a The IRS NATIONAL OFFICE
CHILD DEVELOPMENT CENTER, and
JAN MUELLER
Respondents

Case No.: I-00-40460

FINAL ORDER

By Notice of Infraction served on March 21, 2002, the Respondents Aramark Educational Resources, Inc., d/b/a The IRS National Office Child Development Center (“AER”), and Jan Mueller were charged with the following violations: (1) 29 DCMR 325.2, for admission of an infant child without a complete health exam report; (2) 29 DCMR 325.3, for admission of an infant without proper immunizations; (3) 29 DCMR 325.4, for not having physical examination report on file; (4) 29 DCMR 325.9, for failure to obtain parental authorization for emergency medical treatment; (5) 29 DCMR 327.4, for failure to maintain lead-free items; (6) 29 DCMR 326.5, for failure to main health record for each child/infant; and (7) 29 DCMR 325.1, for Director’s non-compliance with health requirements. The Notice of Infraction alleged that the alleged violations occurred on January 23, 2002, at the facility operated by Respondents at 1111 Constitution Ave., N.W.

The Respondents filed an answer, with a plea of Admit, with payment of the \$50.00 fine, as to violation No. 6, 29 DCMR 326.5, and pleas of Admit with Explanation or Deny as to the remaining violations. On June 17, 2002, the Government and the Respondents, by their attorneys, filed a Consent Agreement for approval by this administrative court and for entry of a Final Order based on its terms. Since it appears that the terms of the Consent Agreement are not unlawful, unreasonable, or inequitable, *Moore v. Jones*, 542 A.2d 1253, 1254 n.1 (D.C. 1988), it is this _____ day of July, 2002:

ORDERED, that the Notice of Infraction against Respondent Jan Mueller is **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that Respondent AER is liable on charged violation No. 6, for violation of 29 DCMR 326.5, based on its plea of Admit with payment of the \$50 fine; and it is further

ORDERED, that charged violations Nos. 5 and 7, for violations of 29 DCMR 327.4 and 29 DCMR 325.1, are **DISMISSED WITH PREJUDICE**; and it is further

ORDERED, that the pleas of Admit with Explanation are substituted for Respondent AER's pleas of Deny as to charged violations Nos. 1 through 4, for violations of 29 DCMR 325.2, 29 DCMR 325.3, 29 DCMR 325.4, and 29 DCMR 325.9; and it is further

ORDERED, that Respondent AER shall pay a reduced fine of \$125 for each of charged violations Nos. 1 through 4, for violations of 29 DCMR 325.2; 29 DCMR 325.3; 29 DCMR 325.4; and 29 DCMR 325.9. Respondent AER shall pay the total of **FIVE HUNDRED DOLLARS (\$500)** in accordance with the attached instructions, within twenty (20) calendar

days of the date of mailing of this Order (fifteen (15) calendar days plus five (5) days for service by mail, pursuant to D.C. Official Code §§ 2-1802.04 and 2-1802.05); and it is further

ORDERED, that if Respondent AER fails to pay the above amount within twenty (20) calendar days of the date of mailing of this Order, by law, interest will accrue on the unpaid amount at the rate of 1½ % per month, or portion thereof, beginning with the date of this Order. D.C. Official Code § 2-1803(i)(1); and it is further

ORDERED, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondent AER's licenses or permits, pursuant to D.C. Official Code § 2-1802.03 (f), the placement of a lien on real or personal owned by Respondent AER, pursuant to D.C. Official Code § 2-1802.03(i), and the sealing of Respondent AER's business premises or work sites, pursuant to D.C. Official Code § 2-1801.03(b)(7).

FILED 07/03/02

Robert E. Sharkey
Administrative Judge